

1929

BOMBAY ACT NO. XXII OF 1933.¹

[THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.]

[1st December 1933]

Adapted and modified by the Adaptation of Indian Laws Order in Council,
of Laws Order, 1950.

" " " " " Amended by Bom. 35 of 1950.

" " " " 50 of 1954.

An Act to provide for the improvement of live-stock.

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided ; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act, have been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Live-stock Improvement Act, 1933. Short title.
2. (a) Section 1 and this section extend to the whole of the Presidency of Extent. Bombay.
 - (b) On a written application made—
 - (i) by the district local board with the previous concurrence of ²[the officer empowered in this behalf by the State Government], or
 - (ii) by ³[such officer] with the previous concurrence of the district local board, ⁴[the ⁵[State] Government] may, by notification in the ⁶[Official Gazette], direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.
 - (c) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub-section (b) on such date as ⁴[the ⁵[State] Government] may by notification in the ⁶[Official Gazette] appoint.
3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (1) "Cow" includes a heifer ;
 - (2) * * * * *
 - (3) "Licence" means a licence granted under section 6 ;
 - (4) "Live-stock officer" means an officer or person appointed or invested with powers under section 4 ;
 - (5) "Prescribed," with its grammatical variations, means prescribed by rules ;
 - (6) "Rules" means rules made under section 23 ;
 - (7) "Village" means a village as defined in the Bombay Land Revenue Code, 1879 ; and
 - (8) "A person is said to keep a bull," if such person owns the bull or has the bull in his possession or custody.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Part V, pp. 1000-1001; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

² These words were substituted for the words "the Director of Agriculture" by Bom. 35 of 1950, s. 2.

³ These words were substituted for the words "The Director of Agriculture", *ibid.*

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

⁶ The words "Official Gazette" were substituted for the words, "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

⁷ Clause (2) was deleted by Bom. 35 of 1950, s. 3.

Live-stock
Officer.

¹[4. The State Government may, by notification in the *Official Gazette*, appoint any officer to be a live-stock officer and assign to such officer such powers and duties under this Act, as it may deem fit.]

Prohibition
for keeping
a bull for
breeding
purposes.

5. No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

Grant of
licences.

6. Every licence for the keeping of a bull shall be granted by a live-stock officer authorised by ²[the ³[State] Government] by general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed :

Provided that no fee shall be charged for the grant of a licence.

Refusal to
grant or
revocation
of licence.

7. (1) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

- (a) of defective or inferior conformation and likely to beget defective or inferior progeny ; or
- (b) permanently affected with any contagious or infectious disease ; or
- (c) permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.

(2) The live-stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (2), the live-stock officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

(5)

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Grant of
duplicate
licence.

8. When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licensee a duplicate thereof, and hereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

Duration of
licence.

9. A licence granted in respect of a bull shall remain in force until—

- (a) the period specified therein expires, or
- (b) it is revoked under this Act, or
- (c) the bull dies or is castrated in the prescribed manner.

¹ Section 4 was substituted for original by Bom. 35 of 1950, s. 4.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ Sub-section (5) was deleted by Bom. 35 of 1950, s. 5.

21. (1) No suit, prosecution or other legal proceedings shall be instituted Protection of against any person for anything which is in good faith done or intended to be done under this Act or the rules.

persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall be instituted against ¹[the ²[Government]] and no prosecution or suit shall lie against any live-stock officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

22. ³[The ⁴[State] Government] may call for and examine the record of any Revision, order or the proceedings of any live-stock officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to ³[the ⁴[State] Government] that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

23. (1) ³[The ⁴[State] Government] may make rules for the purpose of carrying Power of ⁴[State] Government into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—
to make rules.

(a) under section 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,

(b) under section 5, prescribing the age of a bull after which it shall not be kept without a licence,

(c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed,

(d) under section 7, prescribing the conditions subject to which a licence may be revoked,

(e) under sections 7 and 11, prescribing the manner in which notice shall be served,

(f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,

(g) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined,

(h) under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication in the ⁵[Official Gazette].

¹ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

³ The words " the Provincial Government " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁵ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

(4) Rules made under this section shall be laid ⁴[before each of the ²[Houses] of the ³[State] Legislature] at the session ⁴[thereof] next following and shall be liable to be modified or rescinded by a resolution ⁵[in which both the ²[Houses] concur] and such rule shall after notification in the ⁶[Official Gazette] be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of ⁷[the ³[State] Government] such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, ⁷[the ³[State] Government] may, by notification in the ⁶[Official Gazette], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

Power of
[State]
Government
to apply the
provisions of
this Act to
buffalo-bulls.

24. ⁷[The ³[State] Government] may, by notification in the ⁶[Official Gazette], direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the reference to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

Validation of
Acts of
Director
of Animal
Husbandry
and
Veterinary
Science.

24A. Notwithstanding anything contained in this Act, all things done by or on behalf of the Director of Animal Husbandry and Veterinary Science purporting to act in exercise of the powers conferred on the Director of Agriculture under this Act before the date on which the Bombay Live-stock Improvement ^{Bom.} ^{XXXV} ^{of} (Amendment) Act, 1950, came into force, shall be deemed to be and always to ^{of} 1950. have been validly done as required by or under this Act and shall not be deemed to be invalid or called in question merely on the ground that such thing was done by or on behalf of the said Director of Animal Husbandry and Veterinary Science before the said date.]

25. [Saving.] Deleted by Bom. 50 of 1954, s. 2.

¹ The words " before each of the Chambers of the Provincial Legislature " were substituted for the words " upon the table of the Bombay Legislative Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Chambers " by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word " Provincial " *ibid.*

⁴ The word " thereto " was substituted for the words " of the said Council ", by the Adaptation of Indian Laws Order in Council.

⁵ The words " in which both the Chambers concur " were substituted for the words " of the said Council ", *ibid.*

⁶ The words " Official Gazette " were substituted for the words " Bombay Government Gazette ". *ibid.*

⁷ The words " the Provincial Government " were substituted for the word " Government ", *ibid.*

⁸ Section 24A was inserted by Bom. 35 of 1950, s. 9.